

890. Misbranding of Glendage. U. S. v. 46 Packages of Glendage. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 5674. Sample No. 27854-E.)

The label of this product bore false and misleading representations that it would be effective in the treatment of the conditions indicated below.

On September 11, 1941, the United States attorney for the Southern District of Indiana filed a libel against 46 packages of Glendage at Indianapolis, Ind., alleging shipment on or about August 1, 1941, by Joseph A. Piuma, from Los Angeles, Calif.

Analysis of a sample of the product showed that each tablet contained glandular material, including $\frac{1}{8}$ grain of thyroid, nux vomica extract (containing strychnine), a phosphide such as zinc phosphide, and a laxative drug such as cascara sagrada extract.

The product was alleged to be misbranded in that the following statements were false and misleading since the glandular substances, suprarenal, pituitary, and orchic were not physiologically or therapeutically active when taken by mouth as directed: "Each tablet contains as active ingredients: $\frac{1}{8}$ grain desiccated Thyroid, $\frac{1}{8}$ grain Extract Nux Vomica, Suprarenal, Pituitary, Orchic substance, Extract Cascara Sagrada and Zinc Phosphide"; "Glendage is recommended as a Tonic for conditions in which may be useful the medicinal benefits of * * * the glandular substances which this preparation is compounded"; "DIRECTIONS Take one Tablet three time a day after meals with a glass of water."

On March 24, 1942, the court for the Southern District of Indiana directed the entry of an order transferring this case for further proceedings to the United States District Court for the District of Arizona.

On December 28, 1942, the court ordered that the request of the claimant for leave to withdraw his answer and entry of judgment as prayed for in the complaint be granted. Pursuant to this order, judgment of condemnation and destruction was entered on December 30, 1942. It was further ordered that a copy of the judgment be sent to the United States marshal for the Southern District of Indiana as a warrant of destruction in accordance with the judgment.

891. Misbranding of Radiol. U. S. v. 6 Cans of Radiol. Default decree of condemnation and destruction. (F. D. C. No. 7079. Sample No. 84320-E.)

On March 21, 1942, the United States attorney for the District of New Jersey filed a libel against 6 cans of Radiol at Bedminster Township, N. J., alleging that the article had been shipped in interstate commerce on or about October 31, 1941, from New York, N. Y., by Middlebrook Lancaster, Inc.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of isopropyl alcohol (64 percent), water, and volatile oil including peppermint oil and eucalyptus oil.

The article was alleged to be misbranded in that certain statements in the labeling which represented that it would be efficacious in the cure, mitigation, treatment, or prevention of atrophy of shoulder muscles, big knee, blemishes (old and recent), bog spavin, bruises, bruised back and withers, capped elbow (shoe boil), capped hock, coughing, curbs, enlarged glands, fistula and quittor, girth galls, grease and mud fever, laryngitis, lymphangitis (big leg), mammitis or garget, over-shot joints (knuckling over), rheumatism, roaring, shoulder and other lameness, shoulder slip, sore back, sore shoulder, sore throat and colds, soreness of back and loins, sprained fetlocks, splints, spavins, ringbones (newly forming), stifle lameness (loose stifle), strain of back, strained tendons (recent), thorough-pin, thick-wind, wheezing, whistling, windgalls (wind puffs), and wounds in animals; and that for human use it would be "marvelously quick in allaying pain in cases of sprains and inflammation," were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further in that its label failed to bear the common or usual name of the active ingredients and a statement of the kind and quantity or proportion of alcohol that it contained.

On July 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

892. Misbranding of Sill's Powder Treatment and Sill's Powder Foot Treatment. U. S. v. 21 Packages of Sill's Powder Treatment and 30 Packages of Sill's Powder Foot Treatment. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 7950. Sample Nos. 73844-E, 73845-E.)

On or about August 28, 1942, the United States attorney for the District of Kansas filed a libel at Topeka, Kans., against 21 packages of Sill's Powder Treat-

ment and 30 packages of Sill's Powder Foot Treatment, alleging that the articles had been shipped on or about February 17 and March 27, 1942, by the Sills Company from Vinita, Okla.

Analysis of a sample showed that the composition of the two products was the same, consisting essentially of salicylic acid, small proportions of bismuth subcarbonate, ammonium alum, boric acid, and aspirin in a base of talc.

The article was alleged to be misbranded in that the statements made in the labeling, which represented and suggested that it was an effective treatment for the relief of feet that itch, scald, crack, blister, burn, ache, swell, and tire quickly, for offensive perspiring feet, painful, calloused feet, and as a general skin remedy; that it would check foot and skin disorders at their start; that it would afford relief for externally caused skin disorders on any part of the body; that it would gradually replace infected, germ-infested, growth-covered, and offensive tissues with a normal epidermis with unobstructed pores which would allow an evenly divided inoffensive perspiration; and that it would be an effective treatment for corns on top of toes, warts, and deeply embedded callouses, trench foot, chilblains, tender spots on feet, ingrown nail discomfort, bunion discomfort, sore corns, itch, water poisonings, poison ivy, impetigo, or 'summer sores,' itching of eczema, scalp irritations, fever blisters, pimples, and irritations, itching piles, checking boils, animal sores, and for mange or similar skin disorders on cats and dogs, were false and misleading since it would not be effective for such purposes.

On October 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS FOR VETERINARY USE *

893. Misbranding of GarJEX and Bre-Tone. U. S. v. Near's Food Co., Inc. Plea of guilty. Fine, \$150. (F. D. C. No. 7713. Sample Nos. 84365-E, 84366-E, 86226-E.)

On November 10, 1942, the United States attorney for the Northern District of New York filed an information against Near's Food Co., Inc., Binghamton, N. Y., alleging shipment on or about July 25, 1941, and February 18, 1942, from the State of New York into the States of Illinois and New Jersey of quantities of GarJEX and Bre-Tone which were misbranded.

Analyses of samples of the GarJEX showed that it consisted essentially of hexamethylenetetramine, manganese, cobalt, copper, iron, sodium, magnesium and potassium salts including iodides, sulfates and chlorides, together with sulfur and plant material; one sample was found to contain some phosphate and nitrate. It was alleged to be misbranded in that certain statements in its labeling which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of mastitis or garget, were false and misleading, since the article would not be efficacious for such purposes. It was alleged to be misbranded further in that the name "GarJEX," borne on the label, was misleading since the article was recommended for use as a veterinary drug for administration to cows, and the name suggested and created in the minds of purchasers the impression and belief that it would be efficacious in the cure, mitigation, treatment, or prevention of garget of cows, whereas it would not be efficacious for such purpose.

Analysis of a sample of the Bre-Tone showed that it consisted essentially of salt, epsom salt, calcium diphosphate, cobalt, copper, manganese probably as sulfates, iron probably as oxide, strychnine, potassium iodide and plant material. It was alleged to be misbranded in that certain statements in the labeling which represented and suggested that it would be efficacious as a breeding tonic for cattles, horses, and hogs; that it would be an efficacious treatment for sterility in cattle, horses, and hogs which was not due to diseased conditions of the reproductive organs, were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further in that the name "Bre-Tone" borne on the label and appearing in the circular was misleading since the article was recommended for use as a veterinary drug for administration to horses, cattle, and hogs, and the name suggested and created the impression in the mind of the reader that it would be efficacious as a breeding tonic for horses, cattle, and hogs, whereas it would not be efficacious for such purposes.

On January 26, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

*See also Nos. 874, 891, 892.